



Constitution or laws of the United States. Parratt v. Taylor, 101 S.Ct. 1908, 1913 (1981).

The Eighth Amendment guarantees a prisoner the right to medical care that requires prison officials to be deliberately indifferent to a prisoner's serious medical needs. Estelle v. Gamble, 429 U.S. 97 (1976).


The attachments to Plaintiff's complaint show that Plaintiff has been examined by prison doctors who are aware of his condition, and has been taken to the Nashville General Hospital and the Vanderbilt Eye Institute for treatment. Plaintiff acknowledges that "I do have proper medication". These factual allegations do not evince deliberate indifference to the Plaintiff's serious medical needs. Plaintiff challenges the adequacy of the care provided to him.

When a prisoner has received some medical attention and his claim is a challenge to the adequacy of the care provided, federal courts are generally reluctant to second guess medical judgments and constitutionalize claims which sound in state tort law. Hill v. Jones, 211 F.3d 1269 (6<sup>th</sup> Cir.2000). Medical malpractice does not become a constitutional tort merely because the victim is a prisoner. Estelle, 429 U.S. at 105-106. Therefore, the Court concludes that Plaintiff fails to state a claim for any violation of federal law. Comstock v. McCrary, 273 F.3d 693, 703 (6<sup>th</sup> Cir.2001).

Absent a violation of federal law, the Court must dismiss this action *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate Order is filed herewith.

**ENTERED** this the 2nd day of September, 2014.

  
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WILLIAM J. HAYNES, JR.  
Chief Judge  
United States District Court